

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:23-cv-00341-KDB**

PETER D. HUFF, )  
vs. )  
Plaintiff, )  
ALISHA HICKS, )  
Defendant. )  
\_\_\_\_\_  
vs. )                   **ORDER**  
Plaintiff, )  
ALISHA HICKS, )  
Defendant. )

**THIS MATTER** is before the Court *sua sponte* on its review of the docket in this matter.

Plaintiff Peter D. Huff (“Plaintiff”) filed this lawsuit on November 17, 2023. [Doc. 1]. On January 29, 2024, Plaintiff’s Amended Complaint survived initial review in accordance with the Court’s Order. [Doc. 10-12]. In pertinent part, Plaintiff claims that Defendant Alisha Hicks retaliated against him for filing a grievance. [See Docs. 10, 11]. Defendant Hicks waived service on March 28, 2024. [Doc. 22]. The Court granted Defendant Hicks’ motion for an extension of time to answer Plaintiff’s Complaint, extending her deadline to July 29, 2024. [5/21/2024 Text Only Order]. On July 16, 2024, the Court granted defense counsel’s motion to withdraw as counsel in this case because counsel, despite numerous attempts, was unable to make contact with Defendant Hicks. [Doc. 33]. Defendant Hicks, who remains unrepresented, did not answer or otherwise respond to Plaintiff’s Amended Complaint. After the Court ordered Plaintiff to take further action to prosecute this action against Defendant Hicks, Plaintiff moved for entry of default and default judgment. [Docs. 34, 35]. On August 27, 2024, the Court granted Plaintiff’s motion for entry of default and directed the Clerk to enter default in this matter under Rule 55(a) of the Federal Rules of Civil Procedure against Defendant Hicks. [Doc. 36]. The Court denied the

motion for default judgment as premature and advised Plaintiff that he may move for default judgment in accordance with Rule 55(b)(2) once the Clerk enters the default of Defendant Hicks. [Id. at 2]. The Clerk entered default against Defendant Hicks the next day. [Doc. 37]. Plaintiff, however, has not moved for default judgment against Defendant Hicks or taken any other action in furtherance of the case. On November 21, 2024, the Court, therefore, ordered the Plaintiff to take further action to prosecute this action against Defendant Hicks within fourteen (14) days or the action would be dismissed without prejudice. [Doc. 39].

The deadline has passed, and Plaintiff has not taken any further action to prosecute this case against Defendant Hicks. The Court, therefore, will dismiss this action without prejudice.

**IT IS, THEREFORE, ORDERED** that Plaintiff's Amended Complaint [Docs. 10, 11] is **DISMISSED** without prejudice.

The Clerk is instructed to terminate this action.

**IT IS SO ORDERED.**

Signed: December 20, 2024

  
Kenneth D. Bell  
United States District Judge